

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.622(b))
Digital Television Table)
of Allotments)
Victoria, Texas)

MM Docket No. _____

RM- _____

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TO: Barbara A. Kreisman, Chief
Video Services Division

PETITION FOR RULE MAKING

1. Pursuant to Section 1.401 of the Commission's Rules, Surtsey Productions, Inc. ("Surtsey"), licensee of Station KVCT(TV), Victoria, Texas, hereby petitions the Commission to amend the Digital Television Table of Allotments, Section 73.622(b) of its rules, to substitute DTV Channel 11 in lieu of Channel 34 at Victoria as the digital television channel assigned to Station KVCT(TV).

2. As demonstrated in the attached Engineering Exhibit, DTV Channel 11 can be allotted to Station KVCT(TV) for digital television at a site which is in full compliance with all applicable coverage and allocation criteria. The site in question will permit coverage of the entire community of Victoria with the requisite 36 dBu contour. In addition, the allocation meets the de minimis 2%/10% interference procedures outlined in the FCC's DTV Processing Guidelines. The proposal is not in proximity to Canada. While the proposal is located within the Mexican coordination distance, the engineering study demonstrates

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that the proposal meets the separation requirements with respect to all pertinent Mexican allotments. ^{1/} Also according to the Engineering Exhibit, the proposal meets the Class A protection requirements. ^{2/}

3. In the event that the Commission adopts the proposed substitution of DTV Channel 11 for currently-allotted Channel 34 as proposed herein, Surtsey will promptly apply for a construction permit for the facility and undertake to build and operate the station if the permit is granted.

4. The proposed channel substitution is clearly in the public interest. Allotment of a VHF channel, rather than a UHF channel, will facilitate the introduction of digital television service to the area served by Station KVCT(TV). Indeed, the proposed allotment would permit not only full replication of the station's present coverage, but a significant increase in service population as well.

5. Surtsey is proposing a site which has already been specified for use by Station KAVU(TV), Victoria, in its proposed DTV operation. The tower which is proposed to be constructed at that site would be built by another entity, which has indicated

^{1/} Nevertheless, the proposal will require coordination between the United States and Mexico pursuant to the July 22, 1998 Memorandum of Understanding between the two countries.

^{2/} One potentially affected Class A television station, K11SF, Austin, was identified. However, as described in detail in the Engineering Exhibit, there is no overlap of the proposed Victoria 34 dBu interfering contour with the licensed (File No. BLTVL-19911122JL) or application (File No. BPTVL-20010116AHC) protected service contours of Station K11SF.

its willingness to lease space on the tower to Surtsey. Thus, Surtsey would be able to utilize the tower without having to incur the enormous expense of constructing the tower itself.

6. Moreover, by availing itself of the opportunity to utilize a new tower geographically proximate to Victoria (indeed, a tower designed to assure television service to Victoria), Surtsey will be able to improve significantly the level of service it will be able to provide but at substantially lower cost than would otherwise be the case. Similarly, utilization of UHF Channel 34 would require Surtsey to install a significantly larger and more costly transmitter and transmission line and operate with a higher and, therefore, more costly power output level than necessary for DTV operations on a VHF channel. The substantial costs which Surtsey believes it will be able to save if allowed to operate on DTV Channel 11 would otherwise present a significant impediment to the implementation of DTV service in the relatively small community of Victoria (population approximately 77,000).

7. The Video Services Division has previously determined that proposals to substitute DTV channels are warranted based on considerations such as those described above. E.g., Lead, South Dakota, MM Docket No. 00-235, DA 00-2597, released November 24, 2000.

WHEREFORE, for the reasons stated, Surtsey Productions, Inc. requests that the Commission initiate a rule making proceeding proposing the substitution of DTV Channel 11 for DTV Channel 34

ENGINEERING EXHIBIT
IN SUPPORT OF PETITION FOR RULE MAKING
TELEVISION STATION KVCT-DT
VICTORIA, TEXAS

May 29, 2001

ENGINEERING EXHIBIT
IN SUPPORT OF PETITION FOR RULE MAKING
TELEVISION STATION KVCT-DT
VICTORIA, TEXAS

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ENGINEERING EXHIBIT
IN SUPPORT OF PETITION FOR RULE MAKING
TELEVISION STATION KVCT-DT
VICTORIA, TEXAS

Engineering Statement

This Engineering Exhibit was prepared on behalf of television broadcast station KVCT(TV), Victoria, Texas, in support of a petition for rule making. KVCT(TV) is licensed for operation on Channel 19 with nominal non-directional peak visual effective radiated power (ERP) of 155 kW and an antenna height above average terrain (HAAT) of 149 m. KVCT(TV) is paired with a DTV transitional allotment on Channel 34^{*}. The purpose of this petition is to propose Channel 11 in lieu of Channel 34 for KVCT(TV)'s DTV transitional channel.

The petitioner proposes that Channel 11 be allotted with an ERP of 18 kW using a non-directional antenna with an antenna height above mean sea level of 350 m AMSL. See Table I. This translates to an antenna HAAT of 311 m based on the use of the U.S.G.S. 3-second terrain database. The proposed geographic coordinates for the Channel 11 allotment are based upon the future location of the KVCT-DT transmitter site. This allotment reference site is located approximately 17.8 km west-northwest of the licensed KVCT(TV) transmitter site and the current KVCT-DT allotment reference site.

^{*} See Appendix B of *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, FCC-98-315, Released: December 18, 1998.

Table I - Summary of KVCT-DT Proposed Allotment Parameters	
Channel	11
Zone	3
Coordinates (NAD27)	28-50-26N 97-07-47W
Radiation center height above mean sea level	350 m
Radiation center height above average terrain	311 m
Effective radiated power	18 kW
Antenna radiation pattern	Non-directional

A detailed allocation study was prepared for the proposed Channel 11 allotment with respect to domestic full-service TV/DTV facilities using an implementation of the FCC OET Bulletin No. 69 interference analysis procedure.[†] As detailed in Figure 2, the proposed Channel 11 allotment meets the *de minimis* 2%/10% interference procedures outlined in the FCC's DTV Processing Guidelines[‡] that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) of the FCC Rules.

The proposal is located 272 km from the closest point on border with Mexico and it is located within the Mexican coordination distance. An allocation study was conducted with respect to Mexican allotments according to the requirements

[†] The duTreil, Lundin & Rackley, Inc. DTV interference analysis program is a precise implementation of the FCC OET69 code on an Alpha-based processor computer system.

[‡] See FCC *Public Notice*, "Additional Application Processing Guidelines for Digital Television (DTV)", Released: August 10, 1998.

outlined in the U.S.-Mexican *MOU* concerning digital television[§] with the following results:

Table II - Summary of Allocation Situation with Respect to Mexico					
Channel	City, State	Coordinates (dd-mm-ss)	Distance (km)	Required Separation (km)	Result
11	Nuevo Laredo, TA	27-26-41 99-30-30	280.1	273.0	Clear
11	Matamoros, TA	25-52-19 97-30-10	332.1	273.0	Clear

As indicated in Table II above, the proposed facility meets the separation requirements with respect to the pertinent Mexican allotments. However, the proposal will require coordination between the United States and Mexico pursuant to US-Mexican *MOU*.

There are no interference concerns to FCC monitoring stations and radio astronomy quiet zones.

A summary of the revised service area and population numbers as they would appear in the Appendix B of the FCC's *Sixth Report and Order* and subsequent *Second Memorandum Opinion and Order* are summarized below:

[§] See *Memorandum of Understanding Between the Federal Communications Commission of the United States of America and the Secretaria de Comunicaciones y Transportes of the United Mexican States Related to the Use of the 54-72 MHz, 76-88 MHz, 174-216 MHz and 407-806 MHz Bands for the Digital Television Broadcasting Service Along the Common Border*, July 22, 1998. ("MOU")

Table III - Summary of Service Area and Population in the Manner of FCC Appendix B						
State and City	NTSC Channel	DTV Chan	DTV Power (kW)	Antenna HAAT (m)	DTV Service During Transition	
					Area (sq. km)	People (Thous)
TX VICTORIA	19	11	18.0	311 m (350 m AMSL)	24976	229

Figure 1 is a map showing the predicted coverage comparison between KVCT(TV) Channel 19 Grade B coverage and the noise-limited coverage of KVCT-DT on Channel 11 as proposed herein. The proposed Channel 11 facility will result in an increase in KVCT-DT noise-limited service population of 112,000.** Also, as indicated in Figure 1, the proposed predicted 43 dBu, f(50,90), contour fully encompasses Victoria.

With respect to Class A TV station protection, the proposal has been evaluated according to the spacing and contour overlap requirements of Section 73.623(c)(5) of the FCC Rules. One potentially affected Class A TV station was found as follows:

- K11SF, Channel 11, Austin-TX, BLTVL-19911122JL (Licensed)
- K11SF, Channel 11, Austin-TX, BPTVL-20010116AHC (Application)

An allocation analysis was conducted with respect to K11SF pursuant to the requirements of Section 73.623(c)(5) of the FCC Rules. It was found that the K11SF facility 68 dBu protected service contours are protected to a desired-to-undesired level exceeding 34 dB from the proposed Victoria DTV proposal. Therefore, the proposed Victoria Channel 11 facility meets the interference protection requirements with respect to K11SF (both licensed and application). An allocation map, included herein as Figure 3, illustrates the protected service contours of the K11SF facility and the predicted interfering contour of the proposed Victoria DTV facility. As indicated therein, there is

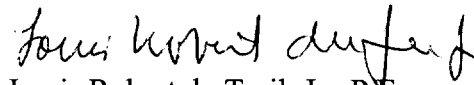
** The licensed KVCT(TV) Grade B contour a population of 117,000 based on Appendix B of the digital television Sixth Report and Order.

Victoria, Texas

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no overlap of the proposed Victoria 34 dBu, f(50,10), interfering contour with the licensed and application protected service contours of K11SF. Therefore, the Class A protection requirements are met with respect to K11SF from the proposed Victoria Channel 11 DTV allotment.

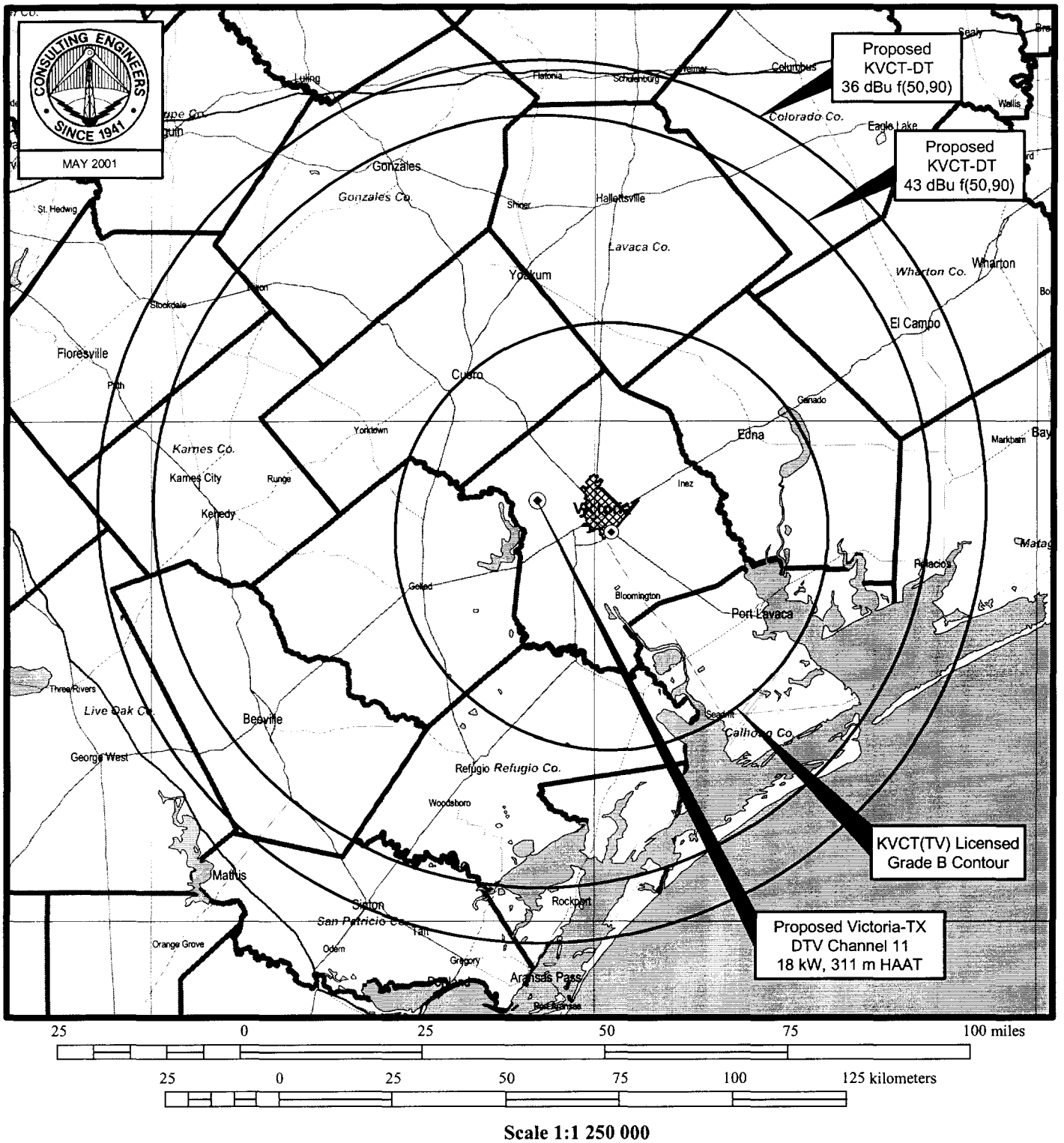
It is evident from the above that the proposed Channel 11 allotment proposal would meet all of the interference protection criteria required by the FCC's Rules and Regulations.



Louis Robert du Treil, Jr., P.E.

May 29, 2001

Figure 1



PREDICTED COVERAGE COMPARISON

TELEVISION STATION KVCT-DT
VICTORIA, TEXAS
CHANNEL 11

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

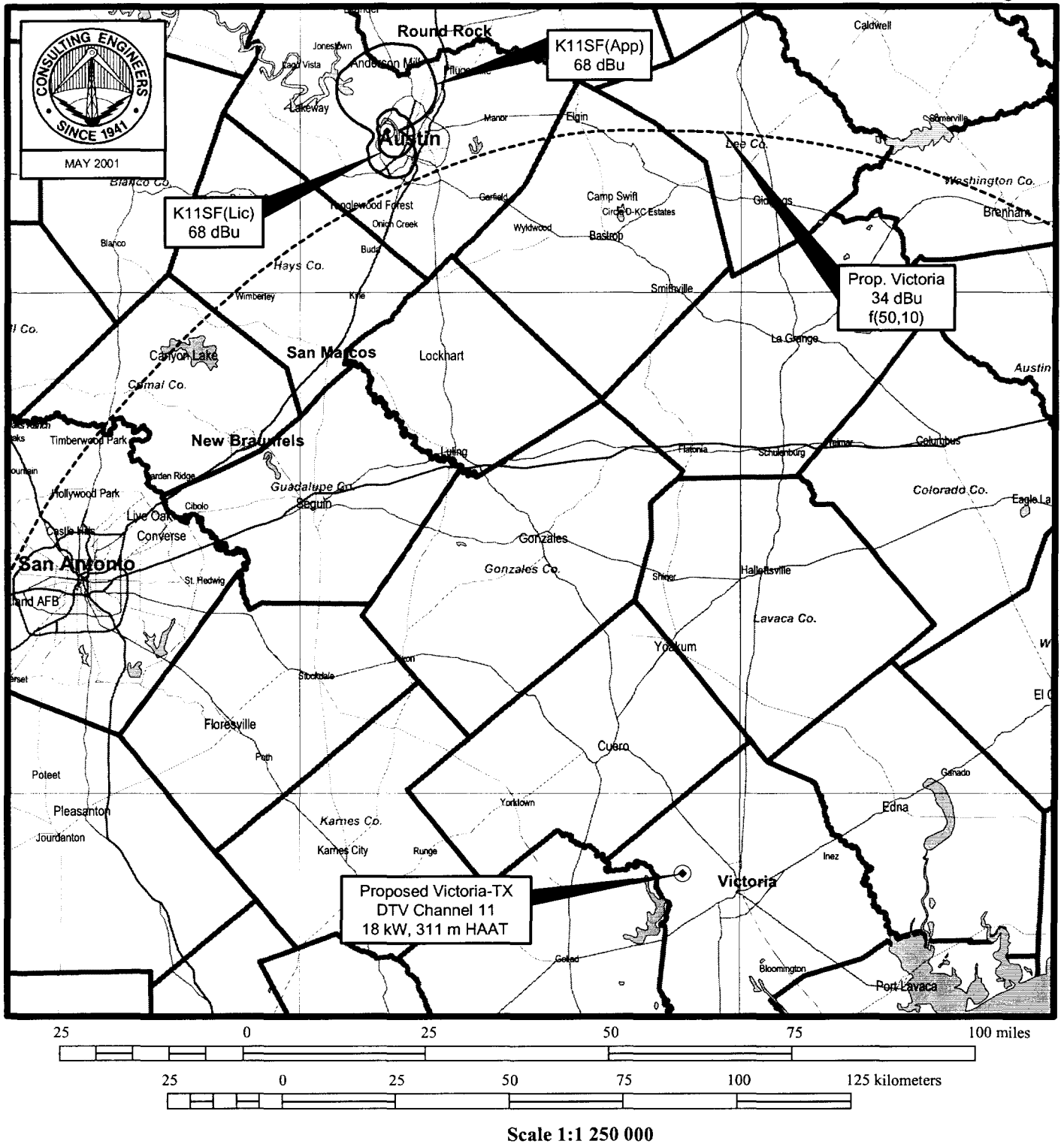
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Summary of Full Service TV/DTV Domestic Allocation Analysis

Stations Potentially Affected by Proposed Station							
Facility Number	Channel	Call	City State	Distance (km)	Status	Application Prefix	Application Reference Number
1	10	KZTV	CORPUS CHRISTI TX	128.8	LIC	BLCT	1770
2	11	KTVT	FORT WORTH TX	415.8	LIC	BLCT	19990623KE
3	11	KHOU-TV	HOUSTON TX	166.5	LIC	BLCT	19920417KE
4	11	KTRE	LUFKIN TX	359.8	APP	BMPCDT	20000501ADE
5	11	KTRE-TV	LUFKIN TX	359.8	APP	BPRM	20000728AAJ
6	11	KLST-DT	SAN ANGELO TX	413.3	CP	BPCDT	19991015ABB
7	11	KLST-DT	SAN ANGELO TX	413.3	PLN	DTVPLN	DTVP0083
8	11	XEBR	NUEVO LAREDO TA	288.1	APP	MEXICO	583
9	12	KAMU-DT	COLLEGE STATION TX	214.5	PLN	DTVPLN	DTVP0100
10	12	KSAT-TV	SAN ANTONIO TX	137.4	LIC	BLCT	1209

Summary of Interference Analysis for Worst-Case Scenarios							
Facility Number	Interference Population Before Analysis	Interference Population After Analysis	Baseline Population	Net Change in Interference	Percent of Baseline	Permissible Percent of Baseline	Result
1	--	--	--	--	0.00	--	pass
2	--	--	--	--	0.00	--	pass
3	19699	65729	3901485	46030	1.18	2.0	pass
4	45943	45943	213169	0	0	2.0	pass
5	34033	34033	213169	0	0	2.0	pass
6	Station is "Checklist Like" no further analysis required						pass
7	--	--	--	--	0.00	--	pass
8	--	--	--	--	0.00	--	pass
9	--	--	--	--	0.00	--	pass
10	7425	18014	1607828	10589	0.659	2.0	pass

Figure 3



CLASS A TV ALLOCATION ANALYSIS

TELEVISION STATION KVCT-DT
VICTORIA, TEXAS
CHANNEL 11

du Treil, Lundin & Rackley, Inc. Sarasota, Florida